IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 341 of 2006(S/B)

1. Ajai Kumar Mathur s/o Late Shri B.S. Mathur,
   R/o A –73, HIG, MDDA Colony,
   Chander Road, Dehradun, presently posted
   as Junior Engineer,
   Mussori Dehradun Development Authority,
   Dehradun, Uttaranchal.
2. Vijay Kumar Mathur s/o Late Sri B.S. Mathur
   R/o A –73, HIG, MDDA Colony,
   Chander Road, Dehradun, presently posted
   as Junior Engineer,
   Haridwar Development Authority,
   Haridwar.
3. Shyam Mohan Sharma s/o Shri N.C.Shrma,
   R/o C –19, Nehru Colony, Dehradun,
   Presently posted as Junior Engineer (Civil) at
   Mussoorie Dehradun Development Authority
   (M.D.D.A), Dehradun …… Petitioners

Versus

1. State of Uttaranchal through Principal Secretary,
   Avas Vibhag, Government of Uttaranchal,
   Dehradun.
2. Secretary, State of Public Service Commission,
   Haridwar, Uttaranchal.
3. Chairman, State Public Service Tribunal,
   Uttaranchal, Dehradun.
4. Girish Chandra Bhatt s/o Shri M.V .Bhatt, presently,
   posted as Junior Engineer,
   Mussoorie Dehradun Development Authority,
   Dehradun, Uttaranchal …… Respondents

Sri Vipul Sharma, Advocate for the petitioners.
Sri Subhadh Upadhyaya, Standing Counsel for respondents 1 to 3.
Sri B.D.Upadhyaya, Advocate for respondent no. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV Gupta, C. J. (Oral)

Sri Vipul Sharma, Advocate for the petitioners.

Sri Subhadh Upadhyaya, Standing Counsel for respondents 1 to 3.

Sri B.D.Upadhyaya, Advocate for respondents no. 4.

They are heard.

2. The petitioners have filed this writ petition for the following reliefs:

> " 1. A writ, order or direction in the nature of certiorari to quash the order dated 01.06.2006, 03.08.2006, 21.08.2006 and 03.11.2006 passed by respondent no. 3.
> 2. A writ, order or direction in the nature of prohibition or any other appropriate writ, order or direction as this Hon'ble Court deems fit and proper under the facts and circumstances of the case restraining respondent no. 3 for proceeding any further in claim petition no. 52/06 G.C.Bhatt V/s State and others.
> 3. Any other writ, order or direction, which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.
> 4. Award cost of the petition to the petitioners."

2. Thus, the petitioners, in substance, were seeking quashing of the interim orders passed by the Tribunal whereby one post of Assistant Engineer was directed to be reserved for the petitioner before the Tribunal during the pendency of the claim petition before the Tribunal.

3. The said interim order was stayed vide order dated 13.03.2007 passed in this writ petition.

4. Sri B. D. Upadhyaya, the learned counsel for respondent no. 4, pointed out that the claim petition itself has been listed for final hearing before the Tribunal on 09.04.2007.

5. Sri Vipul Sharma, the learned counsel for the petitioners, does not disputes that the claim petition is listed for final hearing before the Tribunal on 09.04.2007.

6. In this view of the matter, the writ petition is disposed of with the direction that the interim order dated 13.03.2007 passed in this writ petition shall continue to remain in force till 09.04.2007 on which date the claim petition shall be finally heard by the Tribunal.

7. With the above order CLMA Nos. 14221 of 2006 and 458 of 2007 stand disposed of.

(J.C.S.Rawat , J.) 28.03.2007

(Rajeev Gupta, C.J.) 28.03.2007

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